

**REMARKS**

In the non-final Office Action, the Examiner rejects claims 1, 14, 27, and 32 under 35 U.S.C. § 102(b) as anticipated by BERNHARDT et al. (U.S. Patent No. 5,710,975); rejects claims 2 and 15 under 35 U.S.C. § 103(a) as unpatentable over BERNHARDT et al. in view of REDI et al. (U.S. Patent Application Publication No. 2002/0071395); rejects claims 3, 16, and 28 under 35 U.S.C. § 103(a) as unpatentable over BERNHARDT et al. in view of LUI (U.S. Patent Application Publication No. 2005/0009578); allows claim 33; and objects to claims 4-13, 17-26, and 29-31 as allowable if rewritten into independent form. Applicants respectfully traverse the rejections under 35 U.S.C. §§ 102 and 103.

By way of the present amendment, Applicants amend claims 1 and 27-32 to improve form. No new matter has been added by way of the present amendment. Claims 1-33 are pending.

*Allowable subject matter*

Applicants note with appreciation the indication that claim 33 is allowable over the art of record and that claims 4-13, 17-26, and 29-31 would be allowable if rewritten into independent form to include the features of the base claim and any intervening claims.

*Rejection under 35 U.S.C. § 102(b) based on BERNHARDT et al.*

Claims 1, 14, 27, and 32 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by BERNHARDT et al. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. BERNHARDT et al. does not disclose or suggest the combination of features recited in claims 1, 14, 27, and 32, as currently amended.

For example, amended independent claim 1 is directed to a communications network that includes a first node that comprises at least one transceiver and is configured to observe one or more conditions in at least one of the communications network or the first node, select a sleep mode of a plurality of sleep modes based on the observed one or more conditions, each sleep mode of the plurality of sleep modes being associated with a different powering down procedure and a sleep duration, and power down the at least one transceiver according to the powering down procedure associated with the selected sleep mode; and a plurality of neighboring nodes. BERNHARDT et al. does not disclose or suggest this combination of features.

For example, BERNHARDT et al. does not disclose or suggest a first node configured to select a sleep mode of a plurality of sleep modes based on one or more observed conditions, where each sleep mode of the plurality of sleep modes is associated with a different powering down procedure and a sleep duration. The Examiner relies on col. 3, lines 12-17, of BERNHARDT et al. as allegedly disclosing different power savings intervals (Office Action, pp. 2-3). Applicants respectfully submit that neither this section of BERNHARDT et al. nor any other section of BERNHARDT et al. discloses or suggest the above feature of amended claim 1.

At col. 3, lines 12-17, BERNHARDT et al. discloses:

Preferably, the duration of the power saving interval can be selected using the selective call transceiver 20. Further, it is also preferable that the duration of the power saving interval be variable so that the user of the selective call transceiver may select either a short power saving interval or a longer power saving interval.

This section of BERNHARDT et al. discloses that a power saving interval can be selected by the user of a selective call transceiver as either a short power saving interval or a longer power saving interval. BERNHARDT et al.'s short power saving interval and longer power saving interval are

different sleep durations. BERNHARDT et al. does not disclose or suggest, however, that these different sleep durations are associated with different powering down procedures, as would be required by claim 1 based on the Examiner's interpretation of BERNHARDT et al. BERNHARDT et al. does not disclose or suggest a first node configured to select a sleep mode of a plurality of sleep modes based on one or more observed conditions, where each sleep mode of the plurality of sleep modes is associated with a different powering down procedure and a sleep duration, as recited in claim 1.

In stark contrast to the above feature of amended claim 1, BERNHARDT et al. specifically discloses that that the procedures for both the short power saving interval and the longer power saving interval are the same. For example, BERNHARDT et al. discloses that the selective call transceiver registers with system 10 and then sends a signal, which indicates the power saving interval, to system 10 indicating that the selective call transceiver intends to enter a power saving state (col. 4, line 61 to col. 5, line 56). BERNHARDT et al. further discloses that the selective call transceiver receives a power savings acknowledgment signal from system 10 and enters the power savings interval (col. 5, lines 48-61). BERNHARDT et al. does not disclose or suggest that that the short power saving interval and the longer power saving interval are associated with a different procedure, as would be required by claim 1 based on the Examiner's interpretation of BERNHARDT et al.

Further with respect to claim 1, the Examiner alleges:

Bernhardt et al. teaches that different power saving interval can be selected, each time interval corresponds to different levels corresponds with increased life of the battery, which reads on a plurality of sleep modes. The length of time to shut off transceiver is the differences in the procedure for each sleep mode interval.

Applicants respectfully disagree with the Examiner's allegations.

As indicated above, BERNHARDT et al. specifically discloses that, regardless of the power saving interval selected by the user, BERNHARDT et al.'s selective call transceiver performs the same powering down procedure (i.e., the selective call transceiver registers with system 10, sends a signal, which indicates the power saving interval, to system 10 indicating that the selective call transceiver intends to enter a power saving state, receives a power savings acknowledgment signal from system 10, and enters the power savings interval (see, for example, col. 4, line 61 to col. 5, line 61)). BERNHARDT et al. does not disclose or suggest that a first node (which the Examiner appears to allege corresponds to BERNHARDT et al.'s selective call transceiver) is configured to select a sleep mode of a plurality of sleep modes based on one or more observed conditions, where each sleep mode of the plurality of sleep modes is associated with a different powering down procedure and a sleep duration, as recited in claim 1.

Since BERNHARDT et al. does not disclose or suggest a first node that is configured to select a sleep mode of a plurality of sleep modes based on one or more observed conditions, where each sleep mode of the plurality of sleep modes is associated with a different powering down procedure and a sleep duration, BERNHARDT et al. cannot disclose or suggest that the first node is further configured to power down the at least one transceiver according to the powering down procedure associated with the selected sleep mode, as also recited in claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by BERNHARDT et al.

Independent claims 14, 27, and 32 recite features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claims 14,

27, and 32 are not anticipated by BERNHARDT et al. for at least reasons similar to reasons given above with respect to claim 1.

*Rejection under 35 U.S.C. § 103(a) based on BERNHARDT et al. and REDI et al.*

Claims 2 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BERNHARDT et al. in view of REDI et al. Applicants respectfully traverse this rejection.

Claim 2 depends from claim 1. While not acquiescing in this rejection, Applicants submit that the disclosure of REDI et al. does not remedy the deficiencies in the disclosure of BERNHARDT et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 2 is patentable over BERNHARDT et al. and REDI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claim 15 depends from claim 14. While not acquiescing in this rejection, Applicants submit that the disclosure of REDI et al. does not remedy the deficiencies in the disclosure of BERNHARDT et al. set forth above with respect to claim 14. Therefore, Applicants submit that claim 15 is patentable over BERNHARDT et al. and REDI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

*Rejection under 35 U.S.C. § 103(a) based on BERNHARDT et al. and LIU*

Claims 3, 16, and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BERNHARDT et al. in view of LIU. Applicants respectfully traverse this rejection.

Claim 3 depends from claim 1. While not acquiescing in this rejection, Applicants submit that the disclosure of LIU does not remedy the deficiencies in the disclosure of BERNHARDT et al. set forth above with respect to claim 1. Therefore, Applicants submit that claim 3 is patentable over

BERNHARDT et al. and LIU, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claim 16 depends from claim 14. While not acquiescing in this rejection, Applicants submit that the disclosure of LIU does not remedy the deficiencies in the disclosure of BERNHARDT et al. set forth above with respect to claim 14. Therefore, Applicants submit that claim 16 is patentable over BERNHARDT et al. and LIU, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Claim 28 depends from claim 27. While not acquiescing in this rejection, Applicants submit that the disclosure of LIU does not remedy the deficiencies in the disclosure of BERNHARDT et al. set forth above with respect to claim 27. Therefore, Applicants submit that claim 28 is patentable over BERNHARDT et al. and LIU, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 27.

*Conclusion*

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-056 from which the undersigned is authorized to draw.

Dated: March 12, 2008

Respectfully submitted,

By /Edward A. Gordon/  
Edward A. Gordon  
Registration No.: 54,130  
ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110  
(617) 951-7000  
(617) 951-7050 (Fax)  
Attorneys/Agents For Applicant